

# **Exhibit 74**

## **David Arnold Deposition Excerpts**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\_\_\_\_\_  
TESLA, INC., a Delaware  
corporation,

Plaintiff,

v.

MARTIN TRIPP, an  
individual,

Defendant.

\_\_\_\_\_  
MARTIN TRIPP, an  
individual,

Counterclaimant,

v.

TESLA, INC., a Delaware  
corporation,

Counterdefendant,

Case No.  
3:18-CV-00296-LRH-CBC

CONFIDENTIAL

Videotaped Deposition of David Arnold  
Palo Alto, California  
Thursday, June 6, 2019

Michael P. Hensley, RDR, CSR No. 14114

**Depo Dynamics, LLC**  
**(888) 494-3370**

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1 accurate?

2 A. I would not.

3 MS. LIBEU: Objection. Argumentative.

4 BY MR. MITCHELL:

5 Q. You understand that the sheriff's department  
6 have determined that Mr. Tripp was not a threat to  
7 Tesla?

8 A. I -- my understanding is they said the threat  
9 was not credible, and we were relieved when we learned  
10 that.

11 Q. Okay. And Tesla certainly didn't wait until  
12 they got that information before deciding what  
13 information to put to the press, did it?

14 A. I don't think it's particularly relevant because  
15 that doesn't change the fact that a threat was made. I  
16 would liken it to if somebody calls in a bomb threat to  
17 a school and the police, fortunately, determine that  
18 it's not credible or that it's not likely that someone  
19 will actually act on that threat. It doesn't mean the  
20 threat was not made.

21 Q. Now, let's go back and answer the question I  
22 asked.

23 Isn't it true that Tesla didn't wait until it  
24 got resolution from the sheriff's department before  
25 releasing its statement?

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1 we wanted to make it clear there was more to this story.

2 And also, you know, I do think this information,  
3 you know, likely would have leaked anyway. And my  
4 assumption for that is largely just because many things  
5 at Tesla -- as is the case with any large company that's  
6 under the spotlight -- you know, leak. So we felt --  
7 knowing that, it was important to also make sure we got  
8 that out there and made sure it was accurate.

9 Q. And did you think it was appropriate to include  
10 Mr. Tripp's name in the statement?

11 A. We didn't think it was an issue.

12 Q. And why not?

13 A. His name was already out there, and he was  
14 speaking to media, you know, acknowledging that he was  
15 involved in this -- "this" being, you know, the leaks --  
16 that he was the whistleblower. So his name was already  
17 out there.

18 Q. And sitting here today, do you think the PR  
19 statement that Tesla put out in Exhibit 2 is accurate?

20 A. I do.

21 Q. Why?

22 A. Because the threat that we received said that  
23 there was a distraught, heavily armed individual and  
24 that the person who called, you know, that they were  
25 concerned about the well-being of people at the

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1     **Gigafactory. And that is what this statement conveys.**

2           Q.       And did the -- is it your understanding that --  
3       that the caller identified Mr. Tripp by name?

4           A.       That is my understanding.

5           MS. LIBEU: I have no further questions.

6                   EXAMINATION

7       BY MR. MITCHELL:

8           Q.       What attempts did Tesla make, after learning  
9       from the sheriff's department that there was no credible  
10      threats, to try to find out who had placed the call and  
11      caused the disruption that took place on June 20th and  
12      June 21st?

13          A.       I don't know the answer to that.

14          MR. MITCHELL: Okay. I have no further  
15      questions. Thank you, Mr. Arnold.

16          THE WITNESS: Thank you.

17          MS. LIBEU: Just for the record, I'd like to  
18      designate this confidential.

19               And I know you want to keep the official copy.

20               We will get a -- for the witness, a copy with --  
21      give him -- once we get the final, he'll have 30 days to  
22      review, sign, make any corrections. If it's not signed  
23      within that 30-day period, it can be used as if it had  
24      been signed.

25               That fine with you, Robert?

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1 STATE OF CALIFORNIA )  
 ) ss.  
2 COUNTY OF ALAMEDA )

3 I, Michael Hensley, Certified Shorthand Reporter,  
4 Registered Diplomat Reporter, in and for the State of  
5 California, Certificate No. 14114,  
6 do hereby certify:

7 That the witness in the foregoing deposition was by  
8 me first duly sworn to testify to the truth, the whole  
9 truth, and nothing but the truth in the foregoing cause;  
10 that said deposition was taken before me at the time and  
11 place herein named; that said deposition was reported by  
12 me in shorthand and transcribed, through computer-aided  
13 transcription, under my direction; and that the  
14 foregoing transcript is a true record of the testimony  
15 elicited and proceedings had at said deposition.

16 I do further certify that I am a disinterested  
17 person and am in no way interested in the outcome of  
18 this action or connected with or related to any of the  
19 parties in this action or to their respective counsel.

20 In witness whereof, I have hereunto set my hand  
21 this 13th day of June, 2019.

22  
23 \_\_\_\_\_  
24 Michael Hensley, CSR NO. 14114  
25

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